



Entered on Docket
September 01, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Rob Charles (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321

Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FOURTH
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM BASED
UPON INVESTMENT IN THE BAY
POMPANO BEACH LOAN**

Hearing Date: August 21, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Fourth Omnibus Objection of USACM Trust to
2 Proofs of Claim Based Upon Investment in the Bay Pompano Beach Loan” [Docket No.
3 7272] (the “Objection”); with appropriate notice of the Objection having been given; no
4 responses having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED** that:

- 6 1. The Objection is sustained;
- 7 2. The claims listed on **Exhibit A** attached are allowed as general
8 unsecured claims for the amount shown on Exhibit A as Unremitted
9 Principal; and
- 10 3. The remainder of those claims listed on **Exhibit A** are disallowed in
11 full.

12
13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14 **LEWIS AND ROCA LLP**

15 By /s/ Marvin Ruth (#10979)

16 Rob Charles
17 John Hinderaker
18 Marvin Ruth

19 3993 Howard Hughes Parkway, Ste. 600

20 Las Vegas, Nevada 89169-5996

21 Telephone: (702) 949-8200

22 Facsimile: (702) 949-8398

23 *Attorneys for USACM Liquidating Trust*
24
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ Marvin Ruth (#10979)
 Rob Charles
 John Hinderaker
 Marvin Ruth
Attorneys for USACM Liquidating Trust

Claim	Name	Address	Total Claim Amount	Unremitted Principal to be Allowed as Claim	Approximate Amount Subject to Objection
10725-01563	Leaf, Martin N	71 Pierce Rd Po Box 142 Windsor, MA 01270	37,561.00	12,285.97	25,275.03
10725-01606	Wyatt IRA, Phyllis P	Po Box 370400 Las Vegas, NV 89137-0400	38,059.07	12,285.97	25,773.10
10725-01638	Ricci, Michael H	1204 Camballeria Dr Carson City, NV 89701-8655	27,057.95	12,285.97	14,771.98
10725-01723	Kiwi Nevada Lp	Po Box 370400 Las Vegas, NV 89137-0400	40,149.91	12,285.97	27,863.94
10725-02073	Brock Family Trust Dated 5/25/95	C/O Penny L Brock Trustee 355 Mugo Pine Cir Reno, NV 89511-8799	35,954.62	12,285.97	23,668.65
10725-02098	Janice Janis & Christine Brager Tenants	406 Pearl St Boulder, CO 80302-4931	49,198.30	12,285.97	36,912.33
10725-02172	Gunther, Barbara L	Po Box 614 Verdi, NV 89439	50,785.76	12,285.97	38,499.79
10725-02232	Helzer, Jocelyne	115 South Deer Run Rd Carson City, NV 89701	49,213.00	12,285.97	36,927.03
10725-02501	White, Walter E Ira	2101 Calle De Espana Las Vegas, NV 89102	50,000.00	12,285.97	37,714.03
10725-02518	Gerald E Colligan	Po Box 5781 Incline Village, NV 89450-5781	50,000.00	12,285.97	37,714.03

EXHIBIT A